THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17501 of 1995

ORAL ORDER:

This writ petition is filed seeking a Mandamus (i) declaring the action of the respondents in not calculating and paying the salary leave wages from February, 1987 to March, 1988 and Provident Fund on Leave Encashment Salary, is illegal and arbitrary, (ii) direct the respondents to pay the salary leave wages of petitioner from February 1987 to March 1988 and Provident Fund on leave encashment salary.

It is the case of the petitioner that he was appointed in the Respondent-Corporation in the year 1965 and after serving long time, he opted for Voluntary Retirement Scheme on 31.3.1988. In the meanwhile, from February 1987 to 31.3.1988, he was on leave due to his sickness, and the leave salary was not paid to him. The petitioner made several representations in this regard, but there was no reply, therefore, he filed the present writ petition.

A detailed counter affidavit has been filed on behalf of respondent-Corporation stating that the petitioner while working at Jagtial Depot, he absented from duty unauthorisedly on 14.2.1987 and later submitted a sick certificate from a private doctor for the period from 15.2.1987 to 13.3.1987 (27 days) and subsequently submitted a sick certificate from a Government Hospital covering the period from 14.3.1987 to 31.3.1987 (18 days) and was again absent from 1.4.1987 to 14.6.1987 unauthorisedly and produced another sick certificate from Tarnaka R.T.C. hospital for the period from 15.6.1987 to 3.10.1987 and was again unauthorisedly absent from 4.10.1987 to 13.10.1987, when he was transferred to Korutla depot. He reported for duty on 14.10.1987 and again from 17.10.1987 to 31.10.1987 he

availed due off on 1.11.1987 and was absent from 2.11.1987 to 31.3.1988, the date of his opting for voluntary retirement. The period of his treatment at R.T.C. Tarnaka Hospital from 15.6.1987 to 3.10.1987 was preceded and followed by unauthorized absence. Therefore, the period of treatment in Tarnaka hospital was also treated as leave without pay as per standing instructions and rules in force. The 13 months of his unauthorized absence was treated as without intimation and leave. Therefore, the petitioner is not entitled to any salary for the said period. As the period of treatment at Tarnaka Hospital (111 days) has also preceded and followed by unuathorised absence, he is not eligible for salary during that period i.e. from 1.4.1987 to 14.6.1987. Hence, the contention that he is eligible for leave salary of 13 months is totally denied.

In the facts and circumstances of the case, I am of the opinion that the petitioner has not made out any case for issuing a Writ of Mandamus as prayed for. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

_____

C.V.RAMULU, J

Date: 10.10.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17501 of 1995

10.10.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17501 of 1995

Date: 10th October, 2006

Between:

P.Ramchander

.. Petitioner

And

A.P.S.R.T.C., rep.by its
Zonal Manager, Karimnagar Region
and another.

.. Respondents